

State Legislation's Impact on LGBTQ+ Student Wellbeing in U.S. Schools

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This paper analyzes proposed state bills from the 2023 United States legislative session. It focused on bills affecting LGBTQ+ youth in the school setting and examines 46 bills relevant to this policy area. The bills are then categorized based on their relation to undermining protective factors in schools that may otherwise aid LGBTQ+ students. Finally, this paper ends by relating these bills to the state of LGBTQ+ youth mental health and argues that a correlation exists between the introduction of these bills and increased rates of depression and suicidality.

Introduction

This past year marks a sharp increase in legislation impacting LGBTQ+ individuals. Particularly, transgender people are the target of legislation seeking to regulate medical transition, gender-affirming care, and where drag shows are performed in public. What is less discussed, however, is the explosion of state legislation targeting LGBTQ+ students in the school setting. These policies range from restricting ways that schools can contribute to a safe environment for transgender students, to mandating that school faculty inform parents if their student is transgender. This is particularly concerning due to the importance of a supportive school environment serving as a protective factor for LGBTQ+ individuals.¹ Additionally, LGBTQ+ youth have been shown to be at higher risk for substance abuse, suicide, and mental health issues. This is largely due to the victimization, discrimination, and harassment that LGBTQ+ students face based on their identity.² A striking correlation will be shown between state legislation targeting LGBTQ+ students and increases in suicidality and victimization among students at these schools. The key aspects of a supportive school environment will be described. Next, state legislation targeting

LGBTQ+ students will be analyzed in relation to the factors of a supportive school environment that they undermine. After establishing this relationship, the state of LGBTQ+ youth suicidality, depression, and anxiety is discussed as well as its connection to current and proposed legislation.

Protective Factors

One of the most important aspects of protective factors is their ability to build resilience in those who are subject to them. Building resilience for marginalized students is necessary for them to attain both academic achievement and maintain an overall sense of wellbeing despite external challenges. Due to the vulnerability of LGBTQ+ youth, it is necessary to foster protective factors that can serve to decrease the levels of victimization they face. Recent studies have highlighted that many LGBTQ+ youth are at risk of abusive home environments, with one-third of all LGBTQ+ youth saying that their home is not LGBTQ+ affirming.³ This is particularly concerning, as LGBTQ+ individuals are less likely to attempt suicide if they have an affirming space.⁴ Due to the amount of time students spend at school, these institutions provide several opportunities to support LGBTQ+ students in their academic success, help them grow and develop as individuals, and mitigate harms that they may experience elsewhere.

¹ Michelle M. Johns et al., "Strengthening Our Schools to Promote Resilience and Health Among LGBTQ Youth: Emerging Evidence and Research Priorities from The State of LGBTQ Youth Health and Wellbeing Symposium," (2019), 4-7, <https://doi.org/10.1089/lgbt.2018.0109>.

² Michelle M. Johns et al., "Strengthening Our Schools," 1-2.

³ The Trevor Project, "Facts about LGBTQ Youth Suicide," 2021.

⁴ *Ibid.*

Teachers as Role Models

Teachers play a crucial role in fostering a safe and protective environment for LGBTQ+ students as they interact with each other daily. Research demonstrates that supportive school faculty can greatly improve the success of LGBTQ+ students as well as decrease the rates of victimization that these students experience at school.⁵ Several factors can explain this. The most prominent aspect is that teachers are the regulators of their classrooms. Teachers are able to tailor their curriculum to specific needs and police the use of derogatory language targeted at LGBTQ+ students. Testimonies of LGBTQ+ students describe how these supportive actions decrease victimization in schools. As one student attests, "My freshman year in high school is one I won't forget. A peer in class started saying 'That's nasty, gays are nasty.' The teacher said to him, 'That is not OK. Don't do it again.' And he never bothered me after that day!"⁶ Peer-reviewed studies have backed this up as well, noting that teachers taking active measures against LGBTQ+ bullying and harassment lead to LGBTQ+ students reporting lower rates of victimization as well as higher rates of perceived safety and school connectedness.⁷ A teacher's ability to identify harassment, as well as their ability to effectively address it, presents a significant factor in protecting LGBTQ+ students.

Not only do teachers serve to actively address victimization in the moment, but LGBTQ+ teachers may passively serve as role models and present a safe space for LGBTQ+ students. Schools where LGBTQ+ educators are out about their identity present an increase in students' feelings of safety, improve their

academic achievement, and provide a safe faculty member for them to turn to.⁸ Of important note, LGBTQ+ students report in surveys that they don't just feel safer in schools when "Queer role models" are present, but also when there are straight allies present as well.⁹ Therefore, teachers who don't identify as part of the LGBTQ+ community still have a role to play in building an affirming environment. This goes beyond calling out bigotry, but also putting up supportive messaging to improve the school environment and to signal to LGBTQ+ students that they are a safe space. One teacher attested that "Just displaying one of Stonewall's 'Some people are Gay. Get Over It' posters outside her office resulted in numerous students popping in to thank her, including one that said it had given him the courage to come out at home."¹⁰ Teachers, therefore, are the first defense against bullying and harassment of LGBTQ+ students and serve as role models and safe spaces that decrease victimization, contribute to academic success, and foster a safe school environment.

Inclusive Curriculum

Teachers are able to include supplemental lesson plans and readings in their curricula that state or local standards would otherwise exclude. Paul Reece-Miller, a gay teacher, writes that despite heteronormative educational standards, "there are many opportunities for teachers to include content that is representative of all members of society, including LGBTQ persons."¹¹ Research has

⁵ Joseph G. Kosciw et al., "The Effect of Negative School Climate on Academic Outcomes for LGBT Youth and the Role of In-School Supports," *Journal of School Violence* 12, no. 1 (January 2013): 47, <https://doi.org/10.1080/15388220.2012.732546>.

⁶ Louise Abe Young, "LGBT Students Want Educators to Speak up for Them," *The Phi Delta Kappan* 93, no. 2 (October 2011): 35–37, <http://www.jstor.org/stable/23048942>.

⁷ Jun Sung Hong and James Garbarino, "Risk and Protective Factors for Homophobic Bullying in Schools: An Application of the Social-Ecological Framework," *Educational Psychology Review* 25, no. 2 (2012): 275–76, <http://www.jstor.org/stable/43546789>.

⁸ Tiffany E. Wright and Nancy J. Smith, "A Safer Place? LGBT Educators, School Climate, and Implications for Administrators," *The Educational Forum* 79, no. 4 (September 2015): 402–3, <https://doi.org/10.1080/00131725.2015.1068901>

⁹ The Trevor Project, "2022 National Survey on LGBTQ Youth Mental Health," 2022, 24, https://www.thetrevorproject.org/survey-2022/assets/static/trevor01_2022survey_final.pdf.

¹⁰ Lauren Weller, "The Importance of Visible LGBTQ+ Identities in School," *British Journal of School Nursing* 13, no. 10 (December 2018), <https://doi.org/10.12968/bjsn.2018.13.10.501>.

¹¹ Paul Chamness Reece-Miller, "Chapter 7: An Elephant in the Classroom: LGBTQ Students and the Silent Minority," *Counterpoints* (2010): 74. <https://www.jstor.org/stable/42980600>.

demonstrated that the presentation of LGBTQ+ issues, history, and identity in class curricula has positive effects on LGBTQ+ students. The inclusion of these subjects is not simply restricted to history classes but is rather multidisciplinary. History courses may teach about Stonewall, the Gay Liberation Movement, and the Lavender Scare. Psychology teachers may teach about gender identity. English teachers can include excerpts from books and poems that challenge heteronormativity and gender norms, such as *The 57 Bus*.¹² And, importantly, health classes can include discussions of LGBTQ+ couples when discussing sex education. These conversations are particularly important, as LGBTQ+ individuals are more likely to be victims of sexual violence than their straight or cisgender counterparts.¹³ This worrying trend makes it all the more necessary to teach the importance of consent and how to identify abusive relationships and to teach it not just in the context of heterosexual couples, but other forms of relationships which are also open to abuse.

Other than the explicit goal of providing an education that includes diverse identities, as well as protecting against sexual violence, an inclusive curriculum also improves the educational attainment of LGBTQ+ students. These benefits range from increased feelings of safety to lower rates of absenteeism.¹⁴ Due to less absenteeism among LGBTQ+ students, an inclusive curriculum fosters improved academic performance among students, as there is heightened engagement. Further, improved feelings of safety being correlated with inclusive curricula may be due to LGBTQ+ students feeling represented but may also be a result of other students engaging with the curricula and developing tolerant viewpoints. Through this, students who otherwise would not be exposed to this material develop a sense of empathy for their LGBTQ+ peers, and thus these

peers are less alienated in their school environment. As a result, an inclusive curriculum may not just serve as a protective factor against bigotry but may also serve as a tool to eliminate bigotry in the school setting.

Gay-Straight Alliances

Supportive student organizations have also proven key to providing a safe area for LGBTQ+ students and promoting an inclusive environment. The organizations most prominently analyzed are known as gay-straight alliances (GSAs). GSAs are defined as “youth-driven groups intended as a setting for LGBTQ+ and heterosexual youth to receive support, socialize, and engage in advocacy.”¹⁵ These organizations hold meetings before or after school or during lunch hours. Four goals of GSAs are identified.¹⁶ The first is to serve as a place to provide counseling for students. At-risk LGBTQ+ youth who attend GSA meetings are exposed to support structures that can help connect them to mental health resources. This plays a key role in lowering the suicide rates of LGBTQ+ youth, especially if their other social environments, such as home, are not supportive and contribute to their poor mental health. The second goal of GSAs is that they serve as a safe space for members to socialize, share interests, and build community. The opportunity for LGBTQ+ students to connect with their fellow LGBTQ+ peers provides a sense of belonging in the school setting and reduces the sense of alienation and loneliness that would otherwise be experienced. Elliot Morehead, a high school student who leads a GSA chapter in South Dakota, states that “whether it’s through learning new things, playing games, or leaning on each other for support, I love that GSAs bring people together to grow, have fun, and impact

¹² Dashka Slater, *The 57 Bus* (New York: Farrar Straus Giroux, 2017).

¹³ Gay Lesbian & Straight Education Network, *A Call to Action: LGBTQ Youth Need Inclusive Sex Education*, n.d., 5, <https://www.glsen.org/sites/default/files/2020-06/A%20Call%20to%20Action%20LGBTQ%20Youth%20Need%20Inclusive%20Sex%20Education%20FINAL.pdf>.

¹⁴ Michelle M. Johns et al., “Strengthening Our Schools,” 4-6.

¹⁵ Paul V. Poteat et al., “Contextualizing Gay-Straight Alliances: Student, Advisor, and Structural Factors Related to Positive Youth Development Among Members,” *Child Development* (2015), 177, <http://www.jstor.org/stable/24696121>.

¹⁶ Sean Currie, Maralee Mayberry, and Tiffany Chenneville. “Destabilizing Anti-Gay Environments through Gay-Straight Alliances: Possibilities and Limitations through Shifting Discourses,” *The Clearing House* 85, no. 2 (2012): 56, <http://www.jstor.org/stable/23212860>.

the lives of my fellow classmates.”¹⁷ As a result, GSAs are not only defensive against bigotry in schools, but also serve as a positive place to foster a sense of community and belonging among LGBTQ+ students. The third goal of GSAs is that they serve as the school’s source for promoting education on LGBTQ+ issues. GSA chapters are not constricted to their brief meetings but also play an active role in the school environment, where they hang up posters and promote events taking place on campus and in the community. Due to this, GSAs can serve as an opportunity to educate straight and cisgender students on LGBTQ+ identities and issues. Finally, these organizations can serve as a broader part of a school’s efforts to address stigmatization and bigotry. Importantly, due to the inclusion of both LGBTQ+ students and straight, cisgender students, GSAs serve not just as a way to shield students from harassment and victimization but also challenge homophobia and transphobia in the school environment by fostering understanding.

The Gay, Lesbian & Straight Education Network has noted several benefits to the presence of active GSA chapters, including halving the rate at which LGBTQ+ students report feeling unsafe, experiencing sexual violence and harassment, and being injured at schools.¹⁸ GSA chapters serve to reduce the perceived hostility and victimization among LGBTQ+ students, and contribute to improving the safety of LGBTQ+ students from both bigotry and violence in romantic relationships. Other than the benefits already identified, school clubs often require a teacher coordinator to be present at meetings, meaning that GSAs may also serve to help connect LGBTQ+

students to a supportive teacher, whose importance has been previously discussed. Additionally, GSAs promote the development of life skills for students, as they will take on leadership roles to coordinate the organization’s activities and oversee meetings. Importantly, students without formal leadership roles have been shown to still take on responsibilities that would otherwise be designated to student leaders.¹⁹ These responsibilities include being ambassadors for new students, purchasing food and supplies for the activity, and tabling at events. The implication is that even if students do not take on an official position in the organization, they may still develop leadership skills that contribute to their academic success and future careers.

State Legislation

2022 marked a significant increase in state legislation targeting LGBTQ+ individuals. More than 300 anti-LGBTQ+ bills were introduced in state legislatures, with several becoming codified into law.²⁰ These range from targeting medical transition, to preventing LGBTQ+ youth from competing in sports that don’t align with their biological sex. There is much less focus on bills that affect LGBTQ+ youth in a school setting. This paper picks up where the most recent literature leaves off and analyzes 46 state bills that have been introduced in the 2023 legislative session that impact LGBTQ+ youth. Importantly, these bills will be juxtaposed with the specific protective factors that they undermine.

Forced Outing

The most prevalent bills are what are categorized as Forced Outing bills. These bills require school faculty to inform a student’s parents if they express a gender identity different than their biological sex. Several states have pushed for this policy explicitly, including Indiana, Iowa, Missouri, Arizona, Georgia,

¹⁷ Gay Lesbian & Straight Education Network, “New Research Shows Positive Impact of Gender and Sexuality Alliance in Schools,” November 2021, <https://www.glsen.org/news/new-research-shows-positive-impact-gender-and-sexuality-alliances-schools>.

¹⁸ Gay Lesbian & Straight Education Network, “Gay-Straight Alliances: Creating Safer Schools for LGBT Students and their Allies,” GLSEN Research Brief, (2007), 1, <https://www.glsen.org/sites/default/files/2020-04/Gay-Straight%20Alliances.pdf>.

¹⁹ Paul V. Poteat et al., “Contextualizing Gay Straight Alliances,” 187.

²⁰ American Civil Liberties Union, “Annual Report 2022,” 2022, 12, <https://www.aclu.org/report/aclu-2022-annual-report>.

and Kentucky.²¹ This process of forced outing puts LGBTQ+ students in immense danger, where they may potentially face abuse at their homes if they are outed. Other statutes phrase the requirement in broad terms, requiring that parents must be notified of information regarding a student if it relates to their mental, emotional, or physical wellbeing. The states that employ this wording consist of Washington, Oregon, Tennessee, and Texas.²² These broader versions have come to be known as Parental Bills of Rights, which are framed not as outing students, but rather as disclosing information necessary for parents to raise their kids responsibly. Nonetheless, the broad phrasing of mental, emotional, and physical wellbeing may result in a chilling effect on LGBTQ+ students. The vagueness of the bills may disincentivize them from discussing their gender and sexuality with teachers and counselors, due to fear that they may report this to their parents. Therefore, Forced Outing bills disconnect LGBTQ+

²¹ Education Matters, Indiana, S.B. 354, 123rd General Assembly. § 6 (Legiscan 2023); A Bill for an Act Relating to Actions Relative to Treatment or Intervention Regarding Discordance Between a Minor's Sex and Gender Identity, Providing for Civil Penalties, Iowa, S.F. 129, 90th General Assembly. § 5 (Legiscan 2023); Prohibits the Discussion of Gender Identity or Sexual Orientation by School Personnel, Missouri, S.B. 134. §1 (Legiscan 2023); Student Information; Parental Notification; Requirements, Arizona, H.B. 2711, 56th Legislature. § 1 (Legiscan 2023); Professions and Businesses; Health Care Providers from Performing Specified Practices on Minors Relating to Altering a Person's Appearance Relating to Gender; Prohibit, Georgia, S.B. 141, 157th General Assembly. § 3 (Legiscan 2023); An Act Relating to Education, Kentucky, H.B. 173. § 3 (Legiscan 2023).

²² Protecting the Childhood of Children, Washington, S.B. 5653, 68th Legislature. § 7 (Legiscan 2023); Relating to Parental Rights Regarding Students, Oregon, H.B. 2477, 82nd Oregon General Assembly. § 1 (Legiscan 2023); An Act to amend Tennessee Code Annotated, Title 36 and Title 49, Relative to The "Families' Rights and Responsibilities Act", Tennessee, S.B. 620, 113th General Assembly. § 1 (Legiscan 2023); Relating to Parental Rights in Public Education and Prohibiting Instruction Regarding Sexual Orientation Or Gender Identity for Certain Public School Students, Texas, H.B. 1155, 88th Legislature. § 1 (Legiscan 2023).

students from two of the previously identified protective factors: supportive teachers and GSAs. If these state laws discourage students from discussing their gender and sexuality with teachers, they likewise discourage students from discussing their gender and sexuality around teachers. This is due to the legal burden placed on teachers to report anything to parents that relates to their student's gender identity, or in the broader case, their mental, emotional, and physical wellbeing. Teachers therefore would be required to report anything they overhear from students regarding these subjects, under threat of civil penalties. LGBTQ+ students, becoming aware of this fact and fearful of being outed, will be disincentivized from discussing their gender identity and sexuality, and from going to a teacher who would otherwise be supportive of them. This also may have a detrimental effect on GSAs. The nature of school clubs requires a faculty member to be present at meetings, which means that all GSA meetings will inevitably result in LGBTQ+ students being in proximity of a mandatory reporter. As a result, LGBTQ+ students may choose to not attend these meetings due to the threat of being outed. This prevents students from making full use of the GSA's intended benefits, which include sharing experiences, building understanding, and forming a sense of community. Due to this, GSAs face severe challenges in Forced Outing states, whether the teacher is required to report LGBTQ+ students or simply perceived to be required to do so.

Forced Closeting

Similar, but distinct from Forced Outing laws are Forced Closeting laws. These laws don't target LGBTQ+ students but rather prohibit LGBTQ+ faculty from discussing their own sexuality with students unless given express permission by parents. States implementing these laws include Georgia, Kentucky, and Florida.²³ It is important to note that many states which implement these laws also implement Forced Outing laws. These laws harm LGBTQ+ students due to their reduced ability to identify supportive teachers in the school.

²³ Parents and Children Protection Act of 2023, Georgia, S.B. 88, 157th General Assembly. § 2 (Legiscan 2023); An Act Relating to Education § 3; Child Protection in Public Schools, Florida, S. 1320. § 2 (Legiscan 2023).

Additionally, these laws pose the potential to harm LGBTQ+ students' attendance and academic performance, as the presence of LGBTQ+ role models in a school setting has been demonstrated to decrease victimization and improve academic performance. As a result, while these policies don't target LGBTQ+ students, they still pose risks to the mental wellbeing and success of LGBTQ+ students.

Pronoun and Name Usage

Certain proposed laws may not explicitly require teachers to out LGBTQ+ students to their parents but rather create a dangerous dichotomy where teachers are forced to either misgender LGBTQ+ students or out these students to their parents. These bills require that teachers request permission from parents before referring to students with different pronouns from their biological sex, or a name different from their birth certificate. Of the categories identified in this paper, these bills are the most commonly forwarded, with nearly 10 states attempting to implement such bills.²⁴ These bills create a lose-lose situation for LGBTQ+ youth. If LGBTQ+ students don't want

²⁴ Pronouns; Biological Sex; School Policies, Arizona, S.B. 1001, 56th Legislature. § 1 (Legiscan 2023); Gender Fluidity, Indiana, H.B. 1346, 123rd General Assembly. § 6 (Legiscan 2023); A Bill for an Act Relating to Children and Students[...], Iowa, H.S.B. 222, 90th General Assembly. § 16 (Legiscan 2023); Relating to Fundamental Parental Rights[...], North Dakota, S.B. 2260, 68th Legislative Assembly. § 2 (Legiscan 2023); An Act to Require Parental Approval for Public School[...], Maine, L.D 678, 131st Legislature. § 2 (Legiscan 2023); Generally Revise Parental Rights Laws, Montana, S.B. 337, 68th Legislature. § 1. (Legiscan 2023); Schools; Requiring Certain Notifications; Prohibiting Use of Certain Names and Pronouns Without Consent; Prohibiting Certain Instruction in Certain Grades. Effective Date. Emergency, Oklahoma, S.B. 30, 59th Legislature, § 1 (Legiscan 2023); An Act to Amend Tennessee Code Annotated, Title 36 and Title 49, Relative to The "Families' Rights and Responsibilities Act", Tennessee, H.B. 1414, 113th General Assembly. § 1 (Legiscan 2023); An Act Requiring Public School Educators To Recognize Each Student By The Biological Gender Of Such Student, Connecticut, H.B. 6331. § 1 (Legiscan 2023).

their parents to be notified, they are forced into an environment where they are referred to with names and pronouns inconsistent with their gender identity. This process of misgendering fosters a hostile environment and increases the risk of depression and suicidality. Additionally, bills that reinforce misgendering also serve to embolden students who seek to bully LGBTQ+ students, providing no method of recourse for the student, and severely limiting the policing capacity of the teacher. This is particularly concerning when transgender youth have identified how important correct pronoun and name usage is to them. The Trevor Project reports proper pronoun and name usage are among the top three most common ways for transgender youth to feel supported.²⁵ The other option presented in these bills, Forced Outing, is just as damaging to transgender students' mental health and wellbeing.

Curriculum Restrictions

State legislation has also targeted the material which is present in schools. Instead of taking aim at the individuals in the school setting, whether it be staff or students, these policies are policies of literary erasure. They empower parents to review materials contained within school curricula, such as handouts and books. The action that parents are able to take once they discover books they disagree with varies based on each individual piece of legislation, although two results are most common. The first result is that parents will be able to remove their student from the classroom for the duration that the book is being used to teach. The second result is that it enables parents to report the use of the book to the school district and ban the use of the book in its entirety for all students. The intended goal is to prevent instruction on topics relating to gender or sexuality. This area of legislation, much like pronoun and name usage, has garnered popularity among state legislatures. States implementing these policies include North Dakota, New Hampshire, Indiana, Oregon, Kentucky, and

²⁵ The Trevor Project, "2022 National Survey on LGBTQ Youth Mental Health," 23.

many others.²⁶ Several books have been banned as a result of this policy, and policies similar to it. The American Library Association reports that 7 out of the top 13 most challenged books for 2022 were challenged as a result of “LGBTQIA+ content,” racking up 511 individual challenges nationwide.²⁷ It is important to note that many of these states also enable parents to object to certain topics being discussed in a classroom. The most striking example of this is in New Hampshire, which prohibits the teaching of transgenderism unless it takes place in a psychology class for the purpose of explaining gender dysphoria.²⁸ This process of restricting curriculum creates two dangers for LGBTQ+ students. The first is that it imposes several restrictions on history and government courses. These laws would effectively prohibit students from learning about the history of LGBTQ+ rights, which could serve to build empathy among straight students while at the same time encouraging engagement from LGBTQ+ students.

²⁶ Schools; School Libraries; Books; Prohibition, Arizona, S.B. 1700, 56th Legislature. § 2 (Legiscan 2023); Parental Rights in Education, Indiana, S.B. 413, 123rd General Assembly. § 4 (Legiscan 2023); A Bill for an Act Relating to Instruction Relating to Gender Identity [...], Iowa, S.F. 83, 90th General Assembly. § 1 (Legiscan 2023); Establishes Protections of Parental Rights [...], Missouri, H.B. 634, § 1 (Legiscan 2023); Prohibiting Gender Transition Procedures for Minors[...], New Hampshire, H.B. 619. § 5 (Legiscan 2023); Relating to Fundamental Parental Rights[...], North Dakota, S.B. 2260, 68th Legislative Assembly. § 2 (Legiscan 2023); Relating to Parental Rights Regarding Students, § 3 (Legiscan 2023); Protecting the Childhood of Children, § 2 (Legiscan 2023); An Act Relating to Education, § 3 (Legiscan 2023); Provides that Public School Parent who Objects to Learning Material [...], New Jersey, A. 1418, 220th Legislature. § 1 (Legiscan 2023); Schools; Requiring Written Consent to Participate in Certain Curriculum, Oklahoma, S.B. 866, 59th Legislature. § 1 (Legiscan 2023).

²⁷ American Library Association, “Top 13 Most Challenged Books of 2022,” n.d., <https://www.ala.org/advocacy/bbooks/frequentlychallengedbooks/top10>

²⁸ Prohibiting Gender Transition Procedures for Minors, Relative to Sex and Gender in Public Schools, and Relative to the definition of Conversion Therapy, New Hampshire, H.B. 619. § 5 (Legiscan 2023)

Additionally, the erasure of these issues from classes only serves to further the alienation of LGBTQ+ students from their heterosexual and cisgender peers. Centering certain identities as worthy of discussion and prohibiting other identities from being discussed only exacerbates this process.

These bills are expansive in their coverage, not only enabling parents to review textbooks that would be in a teacher’s curriculum but also enabling parents to review books within a school library. Some bills require school districts to maintain a publicly available database of books they’ve banned and to provide a method by which parents can add to the list.²⁹ Others enable parents to remove their child from the public school system entirely if they believe the material being taught is “harmful.”³⁰ It is important to note that legislation specifies gender and sexuality as a harmful category, furthering the alienation of LGBTQ+ students. This process of erasure poses several risks to LGBTQ+ students. First, it destabilizes the connection that students have to inclusive curricula as a protective factor. Not only are parents able to restrict access to materials and discussions in class, but the very threat of parents being able to review material for harmful content places pressure on teachers. This pressure may have consequential effects, as teachers may opt to not include LGBTQ+ inclusive content due to fear of being ostracized by parents and the school district. This further contributes to the stigmatization of LGBTQ+ identities. Additionally, restricting books in libraries further disconnects LGBTQ+ students from representations of LGBTQ+ individuals in popular media. This disconnect proves dangerous, as LGBTQ+ youth have reported increased feelings of joy when they see representations of their identity in media, such as books.³¹ The erasure of LGBTQ+ identities in media results in a continuous process of alienation, where LGBTQ+ students are otherized and perceived as outside the normal boundaries of society.

²⁹ Schools; School Libraries; Books; Prohibition, Arizona, S.B. 1700, 56th Legislature. § 2 (Legiscan 2023)

³⁰ Provides that Public School Parent who Objects to Learning Material[...], A. 1418, § 1.

³¹ The Trevor Project, “2022 National Survey on LGBTQ Youth Mental Health,” 24.

GSA Scrutiny

While not explicitly mentioned in state legislation, GSAs have not escaped state overreach. States have introduced legislation that enables parents to identify what clubs are offered on campus, to be provided the purpose of the club, and to restrict their child from attending the club. Interestingly, this genre of legislation is one of the least common bills. The only states identified as targeting school clubs are South Carolina and Montana.³² It is important to clarify, however, that this does not mean that GSA chapters remain unaffected in other states. One explanation for the lack of bills targeting GSA clubs is simply that other areas of legislation are effectively undermining the existence of these chapters on their own. The far-reaching effect of forced outing bills has previously been discussed. This effect on its own may be effectively reducing the presence of GSA chapters and may serve to explain the relative lack of bills that concern themselves with the clubs directly.

Lack of Training

The benefits that both LGBTQ+ teachers and straight-ally teachers have in building a supportive environment have been previously discussed. However, limitations exist that pose barriers to the efficacy of teacher support. The most prominent limitation is the lack of training. While teachers can increase the wellbeing of LGBT+ students, from calling out harassment to putting up supportive messaging, teacher intervention is less effective if they have not participated in anti-bullying training.³³ This is particularly true if the training does not include material specifically addressing homophobia and transphobia.³⁴ This is because training centered on LGBTQ+ issues can highlight the vulnerability that these students face. Importantly, this training can

also help make teachers aware of unique methods or phrases that may be used to support these students that they would otherwise be unaware of. Due to this insight, the most effective anti-bullying and harassment methods require this inclusive training for teachers.

State legislatures are taking aim at this critical training. Bills have been introduced that ban the training of Diversity, Equity, and Inclusion. This form of training centers on the different experiences that a diverse group of people will have based on their identity and encourages teachers to be cognizant of this fact and work towards inclusion in the classroom to enable the full participation of everyone involved.³⁵ The importance of this form of training when addressing LGBTQ+ harassment is clear. Due to the unique forms of victimization that LGBTQ+ individuals experience, and how they navigate the boundaries between their perceived identity and their actual identity, it is necessary for teachers to understand this position, and be trained in ways to support and affirm these students. States, however, have introduced bills to ban Diversity, Equity, and Inclusion training. These states include Arizona, Indiana, and Kentucky.³⁶ Many of these states explicitly target LGBTQ+ students, specifically banning Diversity, Equity, and Inclusion programs that promote transgenderism. This highlights how these particular forms of bills are part of a broader wave of legislation aimed at restricting LGBTQ+ students and faculty. Due to these restrictions on training, teachers will not be able to effectively protect LGBTQ+ students as they would be able to otherwise. It should be noted that state legislation may still affect Diversity, Equity, and Inclusion training programs even if they are not banned outright. Restrictions on pronoun and name use prevent teachers from putting their training to use, and in fact, oftentimes will go against what faculty were taught to do during their training.

³² Families' Rights and Responsibilities Act, South Carolina, H. 3485, 125th General Assembly. § 2 (Legiscan 2023); Generally Revise Parental Rights Laws, Montana, S.B. 337, 68th Legislature. § 1 (Legiscan 2023).

³³ Jun Sung Hong, and James Garbarino, "Risk and Protective Factors," 278.

³⁴ Pollock, Sandra L. "Counselor Roles in Dealing With Bullies and Their LGBT Victims," *Middle School Journal* 38, no. 2 (November 2006): 34. <http://www.jstor.org/stable/23024544>.

³⁵ Eastern Michigan University. *Board of Regents Meeting Materials*, (2017), 7.

³⁶ Public Monies; Ideology Training; Prohibition, Arizona, S.B. 1694, 56th Legislature. § 1 (Legiscan 2023); Gender Fluidity, Indiana, H.B. 1346, 123rd General Assembly. § 1 (Legiscan 2023); An Act Relating to Education, Kentucky, H.B. 173. § 3 (Legiscan 2023).

The State of LGBTQ+ Youth Mental Health

The rapid introduction of anti-LGBTQ+ state bills has resulted in a disastrous effect on LGBTQ+ youth. The advent of the COVID-19 pandemic ushered in a mental health crisis for LGBTQ+ youth.³⁷ The ongoing debates on LGBTQ+ rights in state legislatures have only worsened this. The Trevor Project's polling from January 2022 provides the most up-to-date information on these issues. Up to three-quarters of LGBTQ+ youth have reported following news reports impacting the transgender community.³⁸ Of note, LGBTQ+ youth's mental health is harmed even if a state does not pass the bill. Rather, the very introduction of the bill and subsequent debate surrounding it poses harmful impacts. 66% of LGBTQ+ youth report that their mental health was negatively affected by these debates.³⁹ Importantly, the survey asked specific questions regarding the implementation of Forced Outing laws. The responses were not inspiring, with LGBTQ+ reporting feelings of nervousness, anger, stress, and fear as their top four emotions towards these bills.⁴⁰ Notably, these survey questions were hypothetical. They were concerned with LGBTQ+ youth's feelings of anxiety about these bills, whether or not they were actually implemented. This poses concerning questions for the current state of LGBTQ+ mental health, as more bills have been both proposed and passed in the last year. Additionally, it is important to note that this survey took place in September of 2021, which is before the surge of anti-LGBTQ+ legislation from the 2022 and 2023 legislative years. The reported rates of anxiety and fear may be much higher today than previously due to the increasing volume and intensity of these laws as well as the increased political debate surrounding them.

The latest statistics regarding LGBTQ+ youth depression and suicidality highlight the importance of this issue. The Trevor Project explains that

³⁷ Josh Weaver, "New Poll Illustrates the Impacts of Social and Political Issues on LGBTQ Youth," The Trevor Project (2021).

³⁸ The Trevor Project, "Issues Impacting LGBTQ Youth: Polling Analysis," 2022, 3.

³⁹ *Ibid.*, 6.

⁴⁰ *Ibid.*, 11.

suicide is the second leading cause of death in LGBTQ+ individuals, ages 10-24.⁴¹ The importance of victimization, hostility, and alienation is noted, with LGBTQ+ youth attempting suicide at four times the rate as their other peers. The study goes on to highlight that this can be largely explained by the victimization and lack of affirming spaces, such as a safe school environment.⁴² Therefore, state legislation that results in unsupportive school environments may put LGBTQ+ youth at a higher risk of suicide than they already are, whether the legislation is passed or not. It is necessary, then, for school administration and faculty to work towards an inclusive environment before the implementation of these bills and identify ways that they can still promote supportive environments in the school setting after the passing of these bills.

Conclusion

LGBTQ+ youth face unique risks of mental health issues and suicidality. The stark lack of parental support in the home environment necessitates that other supportive environments are fostered. While this paper highlights the numerous benefits that school-based support and affirmation can provide to these students, the immense rise in state legislation targeting these protective factors poses significant challenges to achieving this goal. The surge in legislation across the country poses dangers to the mental health, academic success, and sense of security of LGBTQ+ students whether the bills are passed or not. Given the particularly vulnerable state that these individuals are in after the COVID-19 pandemic, these bills put LGBTQ+ youth at a heightened risk for suicidality and victimization.

⁴¹ The Trevor Project, "Facts about LGBTQ Youth Suicide."

⁴² *Ibid.*

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